

## DEPARTMENT OF CRIMINAL JUSTICE SERVICES



**COURSE TITLE:** Line of Duty Death Benefits

**TARGET GROUP:** Law Enforcement Officers

**TRAINING OBJECTIVE:**

To provide training to any law-enforcement or public safety officer entitled to benefits under § 9.1-407 of the Code of Virginia concerning the benefits available to himself or his beneficiary in case of disability or death in the line of duty.

## 1. Introduction

- a. Whenever an officer is killed in the line of duty, the tragedy not only affects the officer and his immediate family, but also the department and even the community. While we all would rather avoid a situation like this, the reality is that it could very well happen to you or someone in your department. This lesson plan contains information which may be valuable to you and to members of your family if you should be killed in the line of duty. You should become thoroughly familiar with the information presented and discuss it with your family.

## 1. Training for Law Enforcement Officers

- a. The Code of Virginia requires that all law enforcement officers receive training regarding the benefits available to them and their beneficiary. Specifically § 9.1-407, states “Any law-enforcement or public safety officer entitled to benefits under this Chapter shall receive training concerning the benefits available to himself or his beneficiary in case of disability or death in the line of duty. The Secretary of Public Safety shall develop training information to be distributed to agencies and localities with employees subject to this Chapter. The agency or locality shall be responsible for providing the training. Such training shall not count towards in-service training requirements for law-enforcement officers pursuant to § 9.1-102.”

## 1. Code of Virginia

- a. Continued Health Insurance Coverage-
  - i. § 9.1-401. Continued health insurance coverage for disabled persons, their spouses and dependents, and for the surviving spouse and dependents of certain deceased law-enforcement officers, firefighters, etc.
  - ii. The surviving spouse and any dependents of a deceased person shall be afforded continued health insurance coverage, the cost of which shall be paid in full out of the general fund of the state treasury.
- a. Payment to beneficiaries
  - i. § 9.1-402. B. The beneficiary of a deceased person whose death occurred on or after January 1, 2006, while in the line of duty as the direct or proximate result of the performance of his duty shall be entitled to receive the sum of \$100,000, which shall be payable out of the general fund of the state treasury, in gratitude for and in recognition of his sacrifice on behalf of the people of the Commonwealth.
- a. Disability
  - i. § 51.1-813. Disability resulting from activities in discharge of official duties.
  - ii. If any member of a police department of a county, city, or town, other than the City of Richmond, which has a pension plan becomes disabled as a result of activities in the discharge of the member's official duties, the member shall

receive, as pension and benefits during such disability, the sum of not less than sixty-six and two-thirds percent of the member's salary until eligible to retire under age and service retirement. The member shall then be retired on the age and service pension as provided in § 51.1-811.

- a. § 51.1-815. Counties, cities, and towns authorized to provide relief to surviving spouse and children.

- i. Any county, city, or town may provide for the relief of any children and surviving spouse of any law-enforcement officer, sheriff, or deputy sheriff who dies while in the service of the county, city, or town. If any policeman loses his life while in the discharge of official duties, there shall be paid to the surviving spouse until death, or remarriage, a pension of not less than one-half of the policeman's salary at the time of death. The relief provided shall be exclusive of any payment out of the general fund of the state treasury pursuant to § 9.1-400 et seq.

- a. Waiver of tuition

- i. § 23-7.4:1. Waiver of tuition and required fees for eligible children and spouses of veterans and certain public safety personnel, and certain foreign students.
  - ii. Any child between the ages of 16 and 25 whose parent or any person whose spouse has been killed in the line of duty while employed or serving as a law-enforcement officer, sworn law-enforcement officer, firefighter, special forest warden pursuant to § 10.1-1135, member of a rescue squad, special agent of the Department of Alcoholic Beverage Control, state correctional, regional or local jail officer, regional jail or jail farm superintendent, sheriff, or deputy sheriff, and any person whose spouse was killed in the line of duty while employed or serving in any of such occupations, shall be entitled to free undergraduate tuition and the payment of required fees at any public institution of higher education or other public accredited postsecondary institution granting a degree, diploma, or certificate in Virginia

- a. Compensation to dependents of an employee killed; burial expenses.

- b. §65.2512 states that the employer shall pay compensation in weekly payments equal to 66 2/3 percent of the employee's average weekly wages. The employer shall also pay burial expenses not exceeding \$10,000 and reasonable transportation expenses for the deceased not exceeding \$1,000.

# 1. Public Safety Officers' Benefits Program

- a. Enacted in 1976, the Public Safety Officers' Benefits (PSOB) Act (codified at 42 U.S.C. 3796, et seq.):

- i. Assists in the recruitment and retention of qualified public safety officers.
  - ii. Establishes the value that communities place on contributions from those who are willing to serve their communities during potentially dangerous circumstances
  - iii. Offers peace of mind to men and women who are seeking careers in public

safety.

- a. The PSOB Program provides death benefits in the form of a one-time financial payment to the eligible survivors of public safety officers whose deaths are the direct and proximate result of a traumatic injury sustained in the line of duty. As of October 1, 2006, the benefit amount is \$295,194. Since October 15, 1988, the benefit has been adjusted each year on October 1 to reflect the percentage of change in the Consumer Price Index. For each death and disability claim, the award amount is solely determined by the actual date of the officer's death or disability.
- b. The PSOB Program provides disability benefits for public safety officers who have been permanently and totally disabled by a catastrophic personal injury sustained in the line of duty if that injury permanently prevents the officer from performing any substantial and gainful work. Medical retirement for a line-of-duty disability does not, in and of itself, establish eligibility for PSOB benefits.
- c. The PSOB Program includes the Public Safety Officers' Educational Assistance (PSOEA) Act. This act expands on the former Federal Law Enforcement Dependents Assistance Program to provide financial assistance for higher education for the spouses and children of federal, state, and local public safety officers who have been permanently disabled or killed in the line of duty. Educational assistance through the PSOEA Program is only available to the spouse or children of a public safety officer after the PSOB death or disability claim process has been completed and benefits have been awarded. The educational assistance may be used to defray relevant expenses, including tuition and fees, room and board, books, supplies, and other education-related costs. As of October 1, 2005, the maximum award for a full-time student is \$827 per month of class attendance. All PSOEA awards must, by law, be reduced by the amount of other governmental assistance that a student is eligible to receive [NOTE: In Virginia eligible dependents may receive a waiver of tuition to any Virginia college or university].
- d. As defined by Congress in Public Law 90-351 (Sec. 1217), a public safety officer is an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, firefighter, or member of a rescue squad or ambulance crew. In October 2000, Public Law 106-390 (Sec. 305) designated employees of the Federal Emergency Management Agency (FEMA) as public safety officers under the PSOB Act if they were performing official, hazardous duties related to a declared major disaster or emergency. The legislation also indicated that state, local, or tribal emergency management or civil defense agency employees working in cooperation with FEMA are, under the same circumstances, considered public safety officers under the PSOB Act. Retroactive to September 11, 2001, chaplains also are included in the PSOB Act definition of a public safety officer.
- e. The PSOB office works with national-level police and firefighter groups to provide visibility and emotional support to this unique constituency. Concerns of Police Survivors (COPS), Inc., provides services and assistance for families and coworkers of fallen law

enforcement officers during the annual National Police Week program. They also provide regional training sessions and several special seminars and extended programs for spouses, siblings, and children of slain officers. The National Fallen Firefighters Foundation provides peer counseling, training, and technical assistance for the families and coworkers of firefighters who were killed in the line of duty. Some of their specific activities include developing and disseminating publications and reference materials for survivors and senior fire department managers and creating a public awareness strategy to promote the fire service and its critical role in public safety.

#### 1. Attorney Fee Information

- a. Claimants seeking benefits through the Public Safety Officers' Benefits (PSOB) Program sometimes engage legal representation to assist them with their cases at the initial claims level and, if denied, at the appeals level. In these cases, once a decision has been made on a PSOB claim, the attorney is sent a "fee petition" letter requesting that an itemization of services in connection with the PSOB claim be submitted to the PSOB Office, as well as to the attorney's client.
- b. As authorized by the PSOB Act, the Office of Justice Programs' Bureau of Justice Assistance (BJA) prescribes the maximum fee a representative may charge a claimant for such services; contracts for a stipulated fee and contingent fee arrangements are especially prohibited by the PSOB regulations.
- c. To achieve the intent of the PSOB Program and conserve benefits that have been awarded to survivors, a maximum rate of \$100 per hour of legal services has been established for PSOB claims at the initial level. For appeals, which require more detailed work, the maximum rate is \$125 per hour. Once BJA has reviewed the submitted fee petition, the attorney and claimant are notified as to the authorized fee amount

#### 1. Social Security One-Time Death Benefit

- a. The deceased worker's eligible spouse is entitled to a one-time death payment of \$255. If there is no such spouse, this payment can be made only to a child entitled to survivor's benefits.

#### 1. Individual Officer Considerations

- a. Handling legal and financial affairs is a personal matter. However, you should consider the following:

- i. Maintain a current will;
- ii. Review the named beneficiary(ies) in your life, health, and accident insurance policies on a regular basis;
- iii. Keep insurance papers, will and other important papers in a secure place, such as a safety deposit box, and ensure that appropriate family members are knowledgeable of the location and have appropriate access.
- iv. Review and understand the implication of estate taxes

## 1. Support Organizations

- a. Concerns of Police Survivors, Inc. P. O. Box 3199, Camdenton, MO 65020, (314) 346-4911; fax: (314) 346-1414.
  - i. Concerns of Police Survivors, Inc. provides resources to assist in the rebuilding of the lives of surviving families of law enforcement officers killed in the line of duty as determined by Federal criteria. Furthermore, COPS provides training to law enforcement agencies on survivor victimization issues and educates the public of the need to support the law enforcement profession and its survivors.
  - ii. Each year, between 140 and 160 officers are killed in the line of duty and their families and co-workers are left to cope with the tragic loss. COPS provides resources to help them rebuild their shattered lives. There is no membership fee to join COPS, for the price paid is already too high.
  - iii. COPS was organized in 1984 with 110 members. Today COPS' membership is over 14,000 families. Members include spouses, children, parents, siblings, significant others, and affected co-workers of officers killed in the line of duty according to Federal government criteria.
  - iv. COPS is governed by a National Board of law enforcement survivors. All programs and services are administered by the National Office in Camdenton, Missouri. Chapters function in several states at the grass-roots level.
  - v. COPS' programs for survivors include the National Police Survivors' Conference held each May during NATIONAL POLICE WEEK, scholarships, peer-support at the national, state, and local levels, "C.O.P.S. Kids" counseling reimbursement program, the "C.O.P.S. Kids" Summer Camp, "C.O.P.S. Teens" Outward Bound experience for young adults, special retreats for spouses, parents, siblings, adult children, and in-laws, trial and parole support, and other assistance programs.
  - vi. COPS knows that a survivor's level of distress is directly affected by the agency's response to the tragedy. COPS, therefore, offers training and assistance to law enforcement agencies nationwide on how to respond to the tragic loss of a member of the law enforcement profession.
  - vii. COPS is a 501(c)(3) non-profit corporation. Visit our SPONSORS page to see who supports COPS. Visit our DONATION page to see how you can help. COPS. Programs and services are funded by grants and donations. Law enforcement agencies and organizations are encouraged to support COPS through Partners in Law Enforcement
- a. "C.O.P.S. Kids/Teens"

- i. Programs and Summer Activities
- ii. For children who have lost a parent to line-of-duty death according to Federal government criteria
- iii. National Police Week Activities
  - 1. At the National Police Survivors' Seminars each May during National Police Week, children who have lost a parent to a line-of-duty death can participate in special activities. For many kids, this is the first time they have made contact with peers - other kids who have gone through the same thing they have - the loss of a parent to line-of-duty death. A dedicated staff of professionals and volunteers assess the children's emotional well-being, listen and guide them through any issues they wish to talk about, while participating in a variety of fun activities. Results of the emotional assessments are provided to parents after Police Week so that, if needed, additional counseling can be obtained at home.
- i. Financial Assistance for Children's Counseling
  - a. On May 14, 1990, Ronald McDonald Children's Charities (RMCC) provided seed money for COPS to offer financial assistance to dependent-aged children who seek psychological counseling to help them cope with the trauma inflicted on them through the sudden, often violent, loss of their parent to the law enforcement profession.
    - i. This program provides services to children under the age of 18 whose parent was killed in the line of duty since January 1, 1990. Additionally, any child recommended for counseling through the annual May "C.O.P.S. Kids" Program is eligible for this reimbursement program regardless of the date of the line-of-duty death of the parent.
    - ii. Since 1991, the Southeast Police Motorcycle Rodeo Committee, comprised of motorcycle officers in South Florida, has provided over \$100,000 to help continue this program.
    - iii. This program will reimburse up to \$2,000 per year per eligible child for three years of out-of-pocket counseling expense. Families will be encouraged to use the services of their law enforcement agency's Psychological Services Unit, if available, and are expected to use any other private funding sources available, such as private health insurance, before filing for reimbursement through this program.
  - a. Summer Camp

- i. *I went downstairs and I found Mommy lying in the kitchen floor. She was crying so hard she was shaking. So I went back upstairs and I cried 'til I shook, too.*
  - ii. When a child participating in the May "C.O.P.S. Kids" Program made this statement to a counselor, COPS' belief that children cannot heal if their surviving parent doesn't heal was reinforced. COPS' Summer Camp provides surviving spouses with children the opportunity to work with professional counselors and trained mentors to improve communications within the family unit and resolve grief issues together.
  - iii. Organized camp activities are supplemented with counseling during the week-long camp. Friendly competition, planned activities that encourage teambuilding, and shared fun times in a camp atmosphere help families recognize that the teamwork approach will help them cope with their grief.
- a. Wilderness Experience
  - i. Instituted in 1998, COPS' Annual Wilderness Experience helps surviving older children (aged 15-21) build self-esteem with a group of true peers who understand what it is like to lose a law enforcement parent to a line-of-duty death.. This annual activity might be mountain climbing in the Rockies in Colorado, or exploring the Boundary Waters of Minnesota from a canoe or white-water rafting in Utah.
- a. For additional information on "C.O.P.S. Kids", contact: Concerns of Police Survivors, Inc., P. O. Box 3199, Camdenton, MO 65020, (314) 346-4911.
- 1. The Silver Star Foundation - This organization's mission is to raise and administer funds for the benefit of the surviving spouse and children of public safety personnel who lose their lives in the line of duty. The funds provided may be used for assistance as approved by their Board of Trustees. For more details concerning this organization contact Silver Star Foundation, P. O. Box 908, Richmond, VA 23207; (804) 353-8699.
- 2. Potential Resources
  - a. Veterans Benefits
  - b. If law enforcement officers are veterans of the U. S. Armed Forces, a number of survivor's benefits are available to the spouse and children of a deceased veteran. Included in these benefits are:
  - c. Death Pension Payable to low-income widows and children of wartime veterans who have died of causes not related to their military service.
  - d. Funeral Expenses-The Veterans Administration (VA) will pay up to \$300 towards many veterans' funeral expenses, plus \$150 for interment or burial plot. (Additional information on this \$150 benefit is listed below). Most funeral directors will assist in filing with the VA for reimbursement of funeral expenses. File VA Form 21-530.
  - e. SGLI (Serviceman's Group Life Insurance) is a program of low cost group life insurance for service members on active duty, ready reservists, members of the Commissioned Corps



of the National Oceanic and Atmospheric Administration and the Public Health Service, cadets and midshipmen of the four service academies, and members of the Reserve Officer Training Corps. **SGLI coverage is available in \$50,000 increments up to the maximum of \$400,000.**

- f. VGLI (Veterans' Group Life Insurance)
  - i. VGLI was established in August, 1974, to provide for the conversion of SGLI to 5-year nonrenewable term insurance. The program provides for the replacement of SGLI with VGLI in an amount equal to or less than the amount of SGLI the member had in force at separation from service.
  - ii. An American Flag is available to drape the casket of a veteran who was discharged under conditions other than dishonorable. After the funeral service, the flag may be given to the next of kin or a close associate of the deceased. Flags are issued at any VA regional office, VA national cemetery and most local post offices.
- a. Headstones and Markers - The VA provides headstones and markers for unmarked graves of veterans and eligible dependents anywhere in the world. Flat bronze, flat granite and upright marble types are available to mark the grave of a veteran or dependent in the style consistent with existing monuments at the place of burial. Survivor's benefits are not paid automatically and claims must normally be filed with the VA within two years of the veteran's death.
- b. Members of Veterans of Foreign Wars (V.F.W.) are provided with a \$2,500 accidental death policy. Take a copy of the death certificate to the office at the local VFW and they will assist in filling out the paperwork for payment.
- c. For information or help in applying for veteran's benefits, write, call or visit a veteran's benefit counselor at the nearest VA regional office or VA hospital listed in the telephone directory under U. S. Government. If there is no listing in your local area, call the VA nationwide toll-free number 800-827-1000. The hearing impaired can call 800-829-4833.
- 1. Other Organizations - There are several not-for-profit agencies that have formed for the specific purpose of aiding the families of public safety officers killed in the line of duty. These organizations go by such names as Hundred Club; Heroes, Inc.; Bluecoats; Backstoppers. Their assistance is restricted to geographical locations. Contact the Benefits Assistance Officer in your department to see if such an organization is functioning in your area.
- 2. Social and Fraternal Organizations - If your spouse was a member of a social, fraternal or veterans organization, you may be entitled to burial, death, spousal financial assistance, or dependent education assistance such as the following:
- 3. National Sheriffs' Association - The National Sheriffs' Association provides \$2,500 accidental death or dismemberment for members (\$5,000 if death was in the line of duty.) Member need not be on

duty at the time of the occurrence. Officer may have joined individually or as a covered member of the employing agency.

4. National Guard - Members of the National Guard are provided with \$50,000 life insurance policy that covers them on and off military duty. Contact the member's military unit and they will assist in filing the paperwork. The United States Army Reserve may be of help if the deceased was a Reservist.
5. NRA Death Benefit - If a police officer, with or without compensation, is feloniously killed in the line of duty (line of duty according to government guidelines) and is a current member of the National Rifle Association, the surviving spouse/family is entitled to a \$25,000 death benefit.
6. Credit Card Travelers Insurance - If your spouse happened to be traveling at the time he/she passed away, various credit card companies provide travelers insurance if the trip was financed through that credit card company and you opted to travel on a major mass transportation carrier such as airlines, buses, ships, or rental cars. You should check with your credit card companies to ascertain the amounts of coverage and the limits of the policies.